

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-6, 8-9, 15-17, and 22-23 have been amended. Claims 7, 10-14, 18-21 and 24-25 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-6, 8-9, 15-17, and 22-23 are now presented for examination. The following remarks are in response to the rejections expressed by the Examiner in the last Office Action, mailed January 7, 2005.

35 U.S.C. § 102 Rejection

Claims 1-16, 29-25 stand rejected under 35 U.S.C. §102(e), as being anticipated by Gao, U.S. Patent No. 6,581,094 (“Gao”).

Once again, as an initial matter, Applicant respectfully submits that the Office Action states “Gao teaches *substantial features of the invention*” (Office Action, mailed January 7, 2005, page 8; emphasis provided) which does not satisfy the requirement that to anticipate a claim, the reference must teach every element of the claim. (MPEP § 2131, see *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In other words, simply *teaching substantial features of the invention* is the same as disclosing every element of the claim. Thus, claims 1-16 and 19-25 are not anticipated by Gao.

Nevertheless, to the extent Gao is relevant, Gao discloses executing “[a] method executed by *one or more digital devices operating in a networked environment includes . . . storing a network address for each digital device in a set of digital devices within a networked environment . . . [and a]* Uniform Device Descriptor file is associated with

each digital device of the set of digital devices” (Abstract). Gao further discloses “[t]he server preferably includes a search module . . . [to facilitate] searches for specified digital devices within the networked environment . . . [and] the routing module operates to deliver a specified UDD file to a selected digital device within the networked environment so that the UDD file may be visually displayed on the selected digital device” (col. 3, lines 42-51).

In contrast, claim 1, as amended, in pertinent part, recites “formulating a discovery information query at a console or at one or more network devices, the console includes a managing device, wherein the discovery information query is initiated automatically or by a user” (emphasis provided). This discovery information query is used to search the discovery information in the one or more files residing on the one or more network devices, as recited by claim 1. First, Gao does not disclose or reasonably suggest having a choice of formulating a discovery information query at a console or at one or more network device, wherein the console serves as a managing device for the other network devices, as recited by claim 1. Second, Gao does not disclose or reasonably suggest having a choice of initiating the discovery information query automatically or by a user, as recited by claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 5 and 15 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the rejection of claims 5 and 15 and their dependent claims be withdrawn.

35 U.S.C. § 103 Rejection

Claims 17-18 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Gao in view of Vaishnavi, et al. U.S. Patent No. 5,734,642 (“Vaishnavi”).

Claim 17 depends from independent claim 15 and thus includes all the limitations of claim 15. Accordingly, Applicant respectfully request the rejection of claim 17 be withdrawn.

Claim 18 is cancelled without prejudice.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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